

Message Text

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TO AMEMBASSY LIMA PRIORITY

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TAGS: PFOR OAS

SUBJECT: COMMENTS ON PROPOSALS FOR RESTRUCTURING I.A.SYSTEM

REF: LIMA 04677 AND AIRGRAM SUMMARIES OF PROPOSALS

FOR USDEL OAS SPECIAL COMMITTEE

SUMMARY: THE DEPARTMENT WISHES TO SHARE WITH THE DELEGATION HIGHLIGHTS OF ITS REACTIONS TO PROPOSALS OF SEVERAL OTHER DELEGATIONS AT THE LIMA SPECIAL COMMITTEE MEETING. OUR INTENTION IS NOT TO FIX A FORMAL U.S. POSITION ON ANY OF THESE POINTS, BUT RATHER TO ENABLE DELEGATION TO COMMENT DURING CLOSING DAYS OF MEETING IN WAYS THAT WILL BE CONSISTENT WITH OUR PROBABLE FUTURE POSITION.

1. PROPOSALS IN POINTS 10, 14 AND 16 OF MEXICAN DELEGATION:

A) POINT 10 TO AMEND ARTICLE 68 OF CHARTER SO THAT FUNCTIONS OF COUNCILS WOULD IN FUTURE BE LIMITED TO THOSE SPELLED OUT IN THE CHARTER AND OTHER AGREEMENTS, AND

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REMOVING POWER OF ASSEMBLY AND MEETING OF FOREIGN MINISTERS

TO ASSIGN SUCH FUNCTIONS. IN ITS EFFECT ON PERMANENT COUNCIL AT WHICH MEXICO IS AIMING, THIS AMENDMENT WOULD BE MUCH MORE LIMITING THAN IT WOULD BE IN THE CASE OF OTHER TWO COUNCILS. THE FUNCTIONS OF IA-ECOSOC AND OF CIECC ARE NOW SET FORTH IN SUCH TERMS AS TO COVER PRACTICALLY ANY MATTER WITHIN THEIR SPHERES OF INTEREST. THIS IS NOT TRUE

OF THE PERMANENT COUNCIL WHOSE FUNCTIONS ARE STATED IN RATHER SPECIFIC TERMS IN VARIOUS ARTICLES OF THE CHARTER. FOR INSTANCE, DECISIONS BY THE PERMANENT COUNCIL SUCH AS THOSE ON PERMANENT OBSERVERS WOULD IN FUTURE PROBABLY BE UNCONSTITUTIONAL IF MEXICAN MODIFICATIONS ACCEPTED. MUCH DEPENDS ON INTERPRETATION GIVEN TO "FUNCTIONS", "MATTERS" AND "DECISIONS" AS THEY ARE USED IN THE CHARTER. DEPARTMENT TENDS TO REGARD THIS AMENDMENT AS UNNECESSARILY LIMITING.

B) MEXICAN POINT 14 MODIFYING ARTICLE 113 TO REFER TO GENERAL SECRETARIAT AS THE "PERMANENT ADMINISTRATIVE ORGAN". AS USDEL WILL UNDOUBTEDLY HAVE RECOGNIZED, WERE THIS CHANGE INCORPORATED, ALL FUTURE INITIATIVES OF THE SECRETARY GENERAL COULD BE CHALLENGED ON GROUNDS THAT THE SECRETARIAT MERELY ADMINISTERS DECISIONS OF ASSEMBLY AND COUNCILS. EXPERIENCE HAS SHOWN THAT A DEGREE OF INITIATIVE ON THE PART OF THE SECRETARY GENERAL IS HEALTHY FOR THE ORGANIZATION AND DOES NOT INFRINGE ON THE PREROGATIVES OF THE LEGISLATIVE BODIES WHICH ALWAYS HAVE THE FINAL SAY IN ANY CASE. WE WOULD THEREFORE PREFER TO AVOID THIS AMENDMENT WHICH WOULD BE APT TO GIVE US AND THE SYG PROBLEMS IN THE FUTURE.

C) MEXICAN POINT 16 RE STUDY OF SPECIALIZED ORGANIZATIONS. THE DEPARTMENT IS IN AGREEMENT AND WISHES TO BE INFORMED IF TERMS OF REFERENCE FOR SUCH A STUDY ARE TO BE ADOPTED AT LIMA MEETING. IT IS OBVIOUS THAT THE OAS ALONE COULD NOT DECIDE TO CONVERT INTER-AMERICAN AGENCIES INTO REGIONAL ORGANIZATIONS OF UN AGENCIES.

CONCLUSION: THE MEXICAN SUGGESTIONS ON THOSE POINTS MENTIONED ABOVE WOULD ADD LITTLE IF ANYTHING TO THE EF-LIMITED OFFICIAL USE

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EFFECTIVENESS OF THE CHARTER BUT BY REOPENING THE PROVISIONS REFERRED TO COULD LEAD TO REOPENING A LARGE PORTION OF THE OAS STRUCTURE FOR NO DISCERNABLE REASONS OF IMPORTANCE.

2. PERUVIAN PROPOSAL:

A) WE DO NOT SEE HOW THE ASSEMBLY COULD BE THE SUPREME AUTHORITY FOR THE ENTIRE INTER-AMERICAN SYSTEM AS

LONG AS THE I.A. DEVELOPMENT BANK IS CONSIDERED PART OF THAT SYSTEM, BECAUSE THE BANK IS ESTABLISHED UNDER SEPARATE TREATY AND COULD NOT BE MADE SUBJECT TO GUIDELINES FROM THE GENERAL ASSEMBLY.

B) FORMALIZATION OF THE TWO-TIER DECISION MAKING PROCESS WITHIN ASSEMBLY AND COUNCILS (POLITICAL/JURIDICAL

AND DEVELOPMENT), FIRST IN LATIN SUB-GROUP AND THEN IN FULL SESSION WITH U.S. PRESENT, WOULD BE HIGHLY OBJECTION-ABLE TO US. THIS IS NOT THE SAME AS CECLA ON ITS OWN, AND WOULD CONVERT MEETINGS THOSE BODIES INTO CONTINUOUS CONFRONTATION OF ONE MEMBER BY THE OTHER 22 HAVING PRE-CONCERTED POSITION. SUCH AN ARRANGEMENT COULD DISTORT THE MULTILATERAL AND MUTUAL COOPERATION ASPECTS OF THE ORGANS TO WHICH IT WAS APPLIED, AND SERIOUSLY THREATEN THEIR USEFULNESS AS INTERNATIONAL FORUMS. MOREOVER, APPLIED TO PERMANENT OR POLITICAL/JURIDICAL COUNCIL, SUCH A SYSTEM WOULD BE ALMOST INOPERATIVE INASMUCH AS A LATIN AMERICA VS. U.S. DIVISION IS NOT PRESENT IN GREAT MAJORITIES OF ISSUES. SAME WOULD BE TRUE OF MOST ITEMS ACTED UPON BY ASSEMBLY.

C) ROLE OF GENERAL (REPEAT GENERAL) SECRETARIAT UN-CLEAR IN SUMMARY AIRPOUCHED. IF THE SECRETARIAT IS DIVIDED AMONG THE TWO PROPOSED COUNCILS, AT DIFFERENT SITES EACH WITH ITS OWN EXECUTIVE SECRETARY, WOULD THERE BE A GENERAL SECRETARIAT AS SUCH? WHAT WOULD BE THE ROLE OF THE SECRETARY GENERAL?

D) AS COROLLARY TO FOREGOING, WOULD THERE CONTINUE TO BE ONE OAS PROGRAM BUDGET COVERING ALL ACTIVITIES FOR

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